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Standards for Accessory Apartments and Extended Living Areas

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General Information

Under certain circumstances, Sandy City does allow for additional dwelling units within a single family home. An additional dwelling unit can be defined as either an accessory apartment or and extended living area. Please note the definitions of both below:

Accessory Apartment A housing unit which is self-contained but incorporated within an existing structure that is designed as a single family dwelling and will not substantially alter the structure or appearance of the structure.

Extended Living Areas Additional and accessory living facilities within a dwelling structure, with kitchen, bathroom, and sleeping areas, designed for temporary use by extended family members for medical, or economic reasons on a non-rental basis, and in compliance with standards as set forth in this Title. Said definition also includes family "canning" kitchens and living quarters for servants or other personnel typically employed in household maintenance, i.e. maids, butlers, gardeners.

Accessory apartments may be allowed by **Conditional Use Permit** in order to make housing units available to moderate income households, providing economic relief to those homeowners who might otherwise be forced to leave the neighborhood.

Extended living areas shall be allowed as a permitted use in order to make living units available which are appropriate for households at a variety of stages in the life cycle.

Each of these has different set of requirements, design standards, and approval process. A checklist of requirements for each of these are described on the following page. Please reference **Section 15-05-04(B)** for further information.

Building Code Requirements for Accessory Apartments

Also of note, if you are considering constructing an accessory apartment in your home, you will be subject to all applicable building requirements as outlined in the International Residential Code (IRC) Building Code. These requirements can be expensive, especially if the apartment has already been constructed or if you are converting an extended living area into an apartment. Therefore, staff recommends that you preview the most common requirements listed below. The list comprises of typical requirements and is not intended to be comprehensive. To find out the specific changes that may be required on your property, **please contact the Building Department at 568-7251 to schedule an inspection prior to applying for a Conditional Use Permit.**

1. An accessory apartment must have a one (1) hour fire-rated separation between the apartment and the main dwelling area. This must consist of one layer of at least 5/8" type X drywall which maybe applied over your existing 1/2" drywall ceiling. In the case of suspended ceilings or tile ceilings, it is necessary to remove the existing ceiling and provide the required fire-rated ceiling.
2. The accessory apartment must have its own heating system. The main dwelling furnace cannot supply an accessory apartment. All existing heat registers and return air grills must be removed and covered with drywall. Heat registers in ceilings of basement apartments must be covered with 5/8" type X drywall. Alternative heating sources may include the following: a separate furnace, electric baseboard heat, or any other heating appliance allowed by the IRC.
3. All existing bedrooms, adjacent halls, or rooms must have a battery powered smoke detector both in the main dwelling and the accessory apartment. Any new construction will required 110 volt battery backup, wired in series smoke detectors, and carbon monoxide detectors.
4. Accessory Apartment bedrooms must have legal emergency egress windows. The minimum size window permitted is a 4' by 3'6" with a maximum sill height of 44". Smaller windows or windows with smaller sill heights will have to be replaced with proper sized windows.
5. Any construction, wiring, plumbing, or heating system that has been done without permits, must be inspected and approved before an accessory apartment is approved. This may mean that finished construction will have to be removed in order to inspect. Any violation must be corrected to meet current codes.
6. Exterior and interior stairs, handrails, landings, windows, and glazing in doors will also be inspected. If violations are found, you will be required to repair said violations to meet current codes.

Pre-Conditions, Documentation, and Design Requirements **(Accessory Apartments)**

The following Pre-conditions and Documentation are required:

- A letter of application sworn before a notary public shall be provided by the owner(s) stating that such owners will occupy the said dwelling, except for bona fide temporary absences.
- The effective period of the conditional use permit for accessory apartments shall be 2 years from the date of the original permit. At the end of every 2 years, renewal may be granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner and that all other conditions met at the time of the original application remain unchanged. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the conditional use permit. The Planning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a conditional use permit.
- A floor plan of 1/4-inch to the foot showing the floor in which the accessory apartment will be located shall be provided.
- It shall be prohibited to construct a new speculative home with an accessory apartment constructed concurrently.
- It shall be prohibited to construct an accessory apartment within a mobile home.
- Upon sale of the home or change of primary occupant, the conditional use permit shall expire, that is, the conditional use permit is not transferable.
- Sandy City shall record the approval for an accessory apartment with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval.

The following Design Standards are required:

- Only one apartment shall be created within a single-family dwelling and said area shall be clearly a subordinate part of the dwelling. The apartment shall not occupy any accessory buildings (i.e., guest cottage).
- The owner(s) of the residence shall live in the dwelling in which the apartment was created, except for bona fide temporary absences.
- The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence, including retention and enhancement of landscaping.
- It shall be prohibited to install separate utility meters, separate addresses and mailboxes, etc.
- All new entrances shall be located on the side or in the rear of the building.
- In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area nor be greater than 800 square feet nor have more than 2 bedrooms, unless, in the opinion of the Planning Commission a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.
- The design and size of the apartment shall conform to all applicable standards in the Fire, Building, and Health Codes. The applicant shall obtain all necessary building permits prior to construction of the accessory apartment. If the applicant is unable to comply with the terms of the Uniform Building Code and Uniform Fire Code, as adopted by Sandy City, the request for conditional use permit shall be denied.
- Occupancy. The occupants of the accessory apartment shall be related to each other by blood, marriage, or adoption; or up to two [2] unrelated individuals who are living as a single housekeeping unit upon a showing of no negative impact on the neighborhood or it otherwise legally required. The occupants of the accessory apartment shall not sub-lease a portion of the accessory apartment to other individuals.
- At least three off-street parking spaces shall be available for use by the owner of the home and the occupant(s) of the accessory apartment. The Planning Commission may approve up to three [3] additional vehicles provided that adequate off-street parking can be provided. The three [3] additional vehicles are in addition to those of the owner of the home. All parking shall be upon a hard surface (concrete, asphalt, brick, etc.) Tandem parking spaces are not to be counted for the purpose of determining additional required parking spaces. However, tandem parking by the occupants of the home is not prohibited. On-street parking is reserved for guests only.
- Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single family character of the neighborhood shall be established by the Planning Commission.

Pre-Conditions, Documentation, and Design Requirements **(Extended Living Area)**

The following Pre-conditions and Documentation are required:

- A letter of application sworn before a notary public shall be provided by the owner(s) stating that such owners will occupy the said dwelling, except for bona fide temporary absences, and that the individuals residing in the extended living area are related by blood/ marriage or adoption.
- It shall be prohibited to construct an extended living area within a mobile home.
- Upon sale of the home or change of primary occupant, the approval for an extended living area shall expire, that is, the approval is not transferable.
- Sandy City shall record the approval for an extended living area with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval.

The following Design Standards are required:

- Only one extended living area shall be created within a single-family dwelling and said area shall be clearly a subordinate part of the dwelling.
- The owner(s) of the residence shall live in the dwelling in which the extended living area is created, except for bona fide temporary absences.
- The extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence, including prohibition of separate utility meters, separate addresses and mailboxes, etc. All new entrances shall be located on the side or in the rear of the building.
- The design and size of the extended living area shall conform to all applicable standards in the Fire, Building, and Health Codes. In addition, extended living areas shall have free-flow access with other portions of the dwelling.
- Extended living areas shall be used for family members only or for employed household maintenance personnel on a non-rental basis.